

CITY OF LEOMINSTER

CITY COUNCIL

SEPTEMBER 25, 2006

HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.

- 15-07 Daniel J. McCarty, Agent for 89 Commercial Road LLC: Grant a Special Permit to demolish the existing 33,264 square foot building and construct a new 20,300 square foot building at 89 Commercial Road as shown on Assessor's Map 567 as lot 14 located in the Commercial Zone within the flood plain. (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.
(To be rescheduled to October 10, 2006)**

- 13-07 Susan Chalifoux-Zephir: Grant a Special Permit to use an existing building located at 307 Whitney Street , located in an Industrial zone and shown on Assessor's Map 569 as Lot 19, for a restaurant. (Legal Affairs)

HEARING BEFORE THE CITY COUNCIL, 7:30 P.M.

Relative to amending Chapter 13, Section 13-33 of the Revised Ordinances entitled "Schedule of Parking Fines" to reflect increases in parking violations in Groups A through E and remove "Blocking Wheelchair Ramp" from Group D and add to Group E. (Legal Affairs Petition #10-07)

PUBLIC FORUM, 7:45 P.M.

REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.

Convene to enter into Executive Session

ROLL CALL

REGULAR MEETING OF THE CITY COUNCIL, continued

COMMUNICATIONS

- C-15 Relative to the appropriation of \$550.00 to the Health Department Expense Account; same to be transferred from the Emergency Reserve Account. (Finance)
- C-16 Relative to the appropriation of \$6,500.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Emergency Reserve Account. (Finance)
- C-17 Dean J. Mazzaella, Mayor: Amend Chapter 16, Section 16-34, of the Revised Ordinances to change the classification of Secretary (mayor's secretary) from an S-3 to an S-4 and amend the job title to Mayoral Aide. (Legal Affairs)

PETITIONS

- 21-07 National Grid and Verizon New England, Inc.: Central Street: Install two jointly owned poles and remove one jointly owned pole on Central Street beginning at a point approximately 40 feet north of the centerline of the intersection of Willard Street and continuing approximately 108 feet in a southerly direction. (Public Service)
- 22-07 National Grid and Verizon New England, Inc.: Willard Street: Install one jointly owned pole on Willard Street beginning at a point approximately 240 feet east of the centerline of the intersection of Central Street. (Public Service)
- 23-07 National Grid and Verizon New England, Inc.: Willard Street: Install one jointly owned pole on Willard Street beginning at a point approximately 148 feet north of the centerline of the intersection of Candlewood Drive. (Public Service)
- 24-07 Richard Marchand, Executive Director, Leominster Downtown Corporation: Request the use of the City Hall Parking Lot, the John Tata Auditorium, the City parking lot located between the First Church Unitarian and the First Baptist Church, Monument Square Park, and the city streets identified as the intersection of Main Street up West Street to School Street, Park Street from Main Street to West Street, and Church Street from the intersection of West Street to Merriam Avenue on Saturday the 15th day of September, 2007, with a rain date of Saturday the 29th day of September, 2007, between the hours of 5:00 A.M. to 6:00 P.M. to host the 14th Annual Johnny Appleseed Arts and Cultural Festival. (Public Safety & City Property)

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REGULAR MEETING OF THE CITY COUNCIL, continued

APPOINTMENTS

Election Officers 2006-2007 – Jeremiah E. Greene, Jr., Beatrice Robichaud, Elizabeth J. Buchanan, Jeffrey L. Rosenburg, Patricia Harvie, Laura Sykes, Dennis M. Lyddy

MATTERS BEFORE THE CITY COUNCIL

FINANCE

- C-12 Dean J. Mazzearella, Mayor: Relative to the appropriation of \$1,300,000.00 to pay additional costs of constructing, originally equipping and furnishing a new Library and for the payment of all other costs incidental and related thereto, and that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore.
- C-13 Relative to the appropriation of \$800.00 to the Veteran's Services Salary & Wages Account; same to be transferred from the Emergency Reserve Account.
- C-14 Relative to the appropriation of \$25,000.00 to the Highway Overtime Account; same to be transferred from the Emergency Reserve Account.

PUBLIC SERVICE

- 18-07 Richard Shepard, Shepard's Express, Inc.: Grant a sewer easement, over land owned by the City of Leominster for the installation and maintenance of a sewer connection to be utilized by the existing building located at 207 Mill Street.

LEGAL AFFAIRS

- 15-07 Daniel J. McCarty, Agent for 89 Commercial Road LLC: Grant a Special Permit to demolish the existing 33,264 square foot building and construct a new 20,300 square foot building at 89 Commercial Road as shown on Assessor's Map 567 as lot 14 located in the Commercial Zone within the flood plain.

09/25/06

MATTERS BEFORE THE CITY COUNCIL, continued

LEGAL AFFAIRS, continued

- 16-07 Robert Salvatelli and Maribel Fournier: Amend Section 16-13 of the Revised ordinances entitled “Method of Step Advances” to add a new section which will allow employees whose current jobs are classified in the “S” classification plan, who are promoted or transfer to another “S” classification job in any given year, to advance to the next scheduled step-rate for their new “S” classification position the following July 1st regardless of whether the employee has been in said new position for twelve months or less.
- 17-07 Claire Freda: Adopt Chapter 39, Section 23D of the Massachusetts General Laws as amended to help municipal boards avoid quorum problems by allowing board member of the Conservation Commission, Zoning Board of Appeals, Planning Board and Board of Health, who have missed one hearing, to catch up and rejoin the voting quorum by reading and listening to the record of the missed meeting.
- 19-07 James S. Whitney: Accept and implement the provisions of the newly enacted Massachusetts General Laws, Chapter 43D in its entirety.

CITY PROPERTY

- 20-07 Uno’s Restaurant, LLC: Grant permission to erect a trailblazing sign on Merriam Avenue just off the Route 2 exit ramp in the same location as the Outback sign.

CITY PROPERTY & COMMITTEE ON SCHOOLS

- 14-07 Richard M. Marchand: Request that the Mayor enter into negotiations and purchase the Julie Country Day School.

APPOINTMENTS

Election Officers 2006-2007 – Lisa Holley, Victoria Lanides, Linda Novelli, Joanne Petricca, Carol VivoAmore, Cynthia Zelis, Louise DiPalma, Andrea Freeman, James Pomeroy, Phyllis Johnson, Jean L. Trott, Mona Blanchard, Susan A. Cataldo

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OLD BUSINESS

2nd Reading Ordinance – amend Chapter 22 of the Revised Ordinances Article XV, “In-Law Apartments,” Section 22-114, “Existing Accessory Dwelling Units,” to allow any accessory dwelling unit existing in a single-family residence on the effective date of this article, continue in use, although not originally authorized under the Zoning Ordinance, provided that the record owner of the residence provides a notarized letter as prescribed in Section 22-112 of this article. A pre-existing accessory dwelling unit shall be considered grand-fathered provided that the In-Law unit was constructed with a building permit or is recognized by the Assessor’s Office as being an approved In-Law unit. Any existing accessory dwelling unit that applies to the Board of Appeals under new ownership shall be exempt from the conditions as set forth in Section 22-111.1.6 & Section 22-111.7. (Legal Affairs – Petition # C-145)

2nd Reading Ordinance - amend Chapter 22 of the Revised Ordinances, Article I, “General Regulations,” Section 22-12, “Nonconforming Uses, Structures and Lots,” by deleting Sections 12.3.1 – 12.3.2.3 in their entirety and inserting sections 12.3.1 through 12.3.7 regarding changing, extending or altering a Pre-existing Nonconforming Structure or Use; or a Conforming Use on a Pre-existing Nonconforming Lot or in a Pre-existing Nonconforming Structure. (Legal Affairs – Petition # C-146)

2nd Reading Ordinance – amend Chapter 13, Section 13-33 of the Revised Ordinances entitled “Schedule of Parking Fines” to reflect increases in parking violations in Groups A through E and remove “Blocking Wheelchair Ramp” from Group D and add to Group E. (Legal Affairs Petition #10-07)

NEW BUSINESS

1st Reading Loan Order – Ordered that the sum of \$1,300,000.00 hereby be appropriated to pay additional costs of constructing, originally equipping and furnishing a new Library and for the payment of all other costs incidental and related thereto, and that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore. (Finance)

09/25/06

TABLED PETITION UPON WHICH ACTION IS PROPOSED

13-07 Susan Chalifoux-Zephir: Grant a Special Permit to use an existing building located at 307 Whitney Street , located in an Industrial zone and shown on Assessor's Map 569 as Lot 19, for a restaurant. (Hearing rescheduled to October 10, 2006.)

Lynn A. Bouchard
City Clerk
September 21, 2006